IN THE HIGH COURT OF JUDICIATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO.245 OF 1999

The Commissioner of Income-tax,
Nasik .. Applicant.
V/s.
Shri Dnyaneshwar SSK Ltd. .. Respondent.

Mr.Ashok Kotangale with Mr.Parag Vyas
for the applicant.
Mr.Pramod Vaidya i/b. Mr.S.N. Inamdar
for the respondent.

CORAM : V.C. DAGA &
J.P. DEVADHAR, JJ.

DATED : 24TH OCTOBER, 2005.

P.C. :

1. Heard the learned counsel for the parties. The Tribunal has referred following question for the oponion of this court, reading as under :

> Whether on the facts and in the circumstances of the case, the Tribunal is right in law in holding that the excess amount realised by the assessee in respect of levy sugar which arose out of the interim orders passed by the High Court does not constitute income of the assessee ?

2. Both the counsel appearing for the parties agreed that the issue sought to be raised in this reference is squarely covered by the decision of this Court in the case of **Somaiya Organic Chemicals V/s. CIT [(1995) 216 ITR 291 (Bom)]** in favour of the assessee and against the revenue. The reference, accordingly, stands disposed of with no order as to costs.

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